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7 Attorney for Brennen Chase

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 BRENNEN CHASE,  
15 Defendant.  
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Case No. 2:17-cr-186-JAD-NJK

**STIPULATION TO CONTINUE**  
**MOTION DEADLINES**  
(Second Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,  
18 Acting United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney,  
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
20 and Brian Pugh, Assistant Federal Public Defender, counsel for Brennen Chase, that the motion  
21 deadline currently scheduled for September 11, 2017; the response deadline scheduled for  
22 September 25, 2017, and the reply deadline scheduled for October 2, 2017, be vacated and set  
23 to a date and time convenient to this Court, but no sooner than thirty (30) days.

24 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to  
25 and including October 11, 2017, to file any and all pretrial motions and notices of defense.  
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1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including October 25, 2017, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
4 shall have to and including November 1, 2017, to file any and all replies to dispositive motions.

5 The Stipulation is entered into for the following reasons:

6 1. Counsel for the defendant needs additional time to conduct investigation in this  
7 case in order to determine whether there are any pretrial issues that must be litigated and  
8 whether the case will ultimately go to trial or will be resolved through negotiations

9 2. On August 8, 2017, the court has ordered a pre-plea pre-sentence investigation  
10 report. The parties are waiting for the pre-plea pre-sentence investigation report to determine  
11 whether this case may be resolve through negotiations.

12 3. The defendant is incarcerated and does not object to the continuance.

13 4. The parties agree to the continuance.

14 5. The additional time requested herein is not sought for purposes of delay, but  
15 merely to allow counsel for defendant sufficient time to receive and review the pre-plea pre-  
16 sentence investigation.

17 6. Additionally, denial of this request for continuance could result in a miscarriage  
18 of justice. The additional time requested by this Stipulation is excusable in computing the time  
19 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
20 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
21 Section 3161(h)(7)(B)(i), (iv).

1 This is the second stipulation to continue filed herein.

2 DATED this 11th day of September, 2017.

3 RENE L. VALLADARES  
4 Federal Public Defender

STEVEN W. MYHRE  
Acting United States Attorney

5 */s/ Brian Pugh*  
6 By \_\_\_\_\_

7 BRIAN PUGH  
Assistant Federal Public Defender

*/s/ Phillip N. Smith Jr.*  
By \_\_\_\_\_

PHILLIP N. SMITH, JR.  
Assistant United States Attorney

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1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
2 Section 3161(h)(7)(B)(i), (iv).

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the  
5 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
6 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
7 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
8 account the exercise of due diligence.

9 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United  
10 States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United  
11 States Code, § 3161(h)(7)(B)(i), (iv).

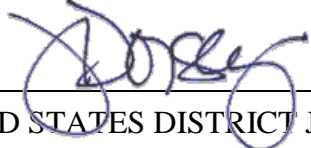
12 **ORDER**

13 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to  
14 and including October 11, 2017, to file any and all pretrial motions and notices of defense.

15 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
16 shall have to and including October 25, 2017, to file any and all responsive pleadings.

17 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
18 shall have to and including November 1, 2017, to file any and all replies to dispositive motions.

19 DATED this 12th day of September, 2017.

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23 UNITED STATES DISTRICT JUDGE  
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